

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

request

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0424-03	REGULATORY ACTION NUMBER 2018-0829-01S	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

OCT 10 2018

1:40 PM

2018 AUG 29 A 9:32

OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Division of Occupational Safety and Health (Cal/OSHA)

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Portable Amusement Ride Fees	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2017-0623-03; 2017-1215-03; 2018-0309-01
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 344.18
	REPEAL
TITLE(S) 8	

3. TYPE OF FILING

- ☒ Regular Rulemaking (Gov. Code §11346) ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4) ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) ☐ File & Print ☐ Print Only
- ☐ Emergency (Gov. Code, §11346.1(b)) ☐ Other (Specify) _____

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

June 11-26, 2018

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

- ☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☒ Effective on filing with Secretary of State ☐ §100 Changes Without Regulatory Effect ☐ Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☒ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal
- ☐ Other (Specify) _____

7. CONTACT PERSON

Chris Grossgart/Denise Cardoso

TELEPHONE NUMBER

(510) 286-7348

FAX NUMBER (Optional)

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E-MAIL ADDRESS (Optional)

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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

8/28/18

TYPED NAME AND TITLE OF SIGNATORY

Juliann Sum, Chief

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ENDORSED APPROVED

OCT 10 2018

Office of Administrative Law

Chapter 3.2. California Occupational Safety and Health Regulations (CAL/OSHA)

Subchapter 2. Regulations of the Division of Occupational Safety and Health

Article 6.1 Portable Amusement Ride Fees

§ 344.18. Portable Amusement Ride Fee Schedule.

(a) Inspection Fees.

(1) A fee of one hundred and ninety-five dollars (\$195.00) per hour shall be charged for all on-site work performed in connection with audits, inspections, reinspections, and investigations pertaining to portable amusement rides. The Division shall bill an inspector's time in quarter-hour increments, rounded up to the nearest quarter hour.

(2) Fees shall be charged for actual inspection time. Actual inspection time begins from the time a Division engineer arrives, generally by appointment, in the area where the Division's information indicates the inspection is to be conducted, and continues until the engineer has completed the Division's report and is ready to leave the area.

(3) The Division shall not bill at the hourly rate for an inspector's travel time in connection with routine inspections. However, if the owner or operator of a portable amusement ride or rides, or his or her designee, fails to appear at the designated site for a scheduled inspection, or is not ready for the inspection at the designated time, and the Division is therefore required to reschedule the inspection, the Division may bill for the time its inspector spends traveling to the site of the rescheduled inspection(s) at the one hundred and ninety-five dollar (\$195.00) hourly rate.

(b) Annual Fee. In addition to the hourly fee for inspections, reinspections and investigations, each portable amusement ride shall pay an annual fee to offset the Division's travel and administrative costs. The Division shall base the amount of the annual fee on the classification of the portable amusement ride as either "Class I (Small)," "Class II (Medium)," "Class III (Large)," or "Class IV (Extra Large)," as follows:

(1) Small rides—Twenty-five dollars (\$25.00)

(2) Medium rides—Three hundred and sixty-five dollars (\$365.00)

(3) Large rides—Seven hundred and forty dollars (\$740.00)

(4) Extra-large rides—One thousand four hundred and seventy-five dollars (\$1,475.00).

(c) Classification of Portable Amusement Rides. For purposes of this section, each portable amusement ride shall be classified according to the criteria set forth below. A ride will be placed into the largest classification for which it satisfies two or more of the evaluation criteria. However, if a portable amusement ride satisfies any single criterion in a classification, then the ride cannot fall into a classification more than one classification below, even if it satisfies two or more criteria in a lower classification.

(1) Class I (Small): A portable amusement ride shall be classified as "Small" if it:

(A) has a footprint of 699 square feet, or less. (For purposes of this section, a "ride footprint" is the surface area, expressed in square feet, that is covered by the ride, itself, and does not include the passenger waiting area or queuing area);

(B) operates at ten or fewer revolutions per minute ("RPM");

(C) is a "Kiddie Coaster" (a ride designed for children age 12 or younger).

(2) Class II (Medium): A portable amusement ride shall be classified as "Medium" if it:

(A) has a footprint of greater than 699 square feet and up to and including 2,000 square feet;

(B) is a non-elevated ride that carries its own means of propulsion while towing one or more units (i.e., trains);

(C) elevates passengers up to sixty and including 60 feet off the ground.

(3) Class III (Large): A portable amusement ride shall be classified as "Large" if it:

(A) has a footprint of greater than 2,000 and up to and including 8,000 square feet;

(B) elevates passengers higher than 60 feet and up to 120 feet off the ground, and/or travels a distance of up to and including 1,500 feet;

(C) consists of more than 50 units and/or has a capacity equal to, or greater than, 50 passengers;

(4) Class IV (Extra Large): A portable amusement ride shall be classified as "Extra Large" if it:

(A) has a footprint of greater than 8,000 square feet;

(B) elevates passengers higher than 120 feet off the ground and/or travels a distance of greater than 1,500 feet;

(C) has complex features or controls (i.e., programmable logic controllers with safety features that interface with computer controllers or similar features or controls).

(d) The Division will charge no fee for an inspection performed by a certified insurance inspector except a charge of \$10.00 to cover the cost of processing the permit to operate.

Note: Authority cited: Sections 60.5, 6308 and 7904, Labor Code. Reference: Section 7904, Labor Code.

The Division shall charge a fee of two hundred and six dollars (\$206.00) per hour for all work performed in connection with audits, inspections, re-inspections, approvals, determinations, certifications and re-certifications, receipt and review of certificates or reports and inspections pertaining to portable amusement rides. Time shall be billed in quarter-hour increments, rounded up to the nearest quarter hour.

Note: Authority cited: Sections 60.5, 7904 and 7919, Labor Code. Reference: Section 7904, Labor Code.